

# **EXHIBIT**

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**From:** Leah Aden  
**To:** Perez, Myrna; Colmenero, Angela  
**Cc:** Clark, Jennifer; Frederick, Matthew; VOTTexasID@usdoj.gov; All Texas Voter ID  
**Subject:** Re: Education and Training: Input  
**Date:** Wednesday, August 17, 2016 3:25:30 PM

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Angela-

This is the issue that Ezra just began to tee up.

We appreciate that you notified us of the updates to the Registered to Vote: Need ID? Procedures for Voting on SOS's website: <http://www.votetexas.gov/register-to-vote/need-id>. After reviewing, private-plaintiffs offer the following additional feedback for your consideration.

1. The site states: "Voters who have not been able to obtain one of the forms of acceptable photo identification listed below, and have a reasonable impediment or difficulty to obtaining such identification, may present a supporting form of identification and execute a Reasonable Impediment Declaration ...." (italics added). And below that the site states: "Here is a list of the supporting forms of ID that can be presented *if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the forms of acceptable photo ID.*" (emphasis added)  
The order (Doc 895) does not require any showing that a voter "ha[s] not been able to obtain" or "cannot obtain" an acceptable photo ID, only that the voter has a subjective reasonable impediment / difficulty to currently having or acquiring an acceptable photo ID. Therefore, the language on the website should be clarified such that the sentence reads: "Here is a list of the supporting forms of ID that can be presented if the voter has a reasonable impediment or difficulty to obtaining one of the seven forms of photo ID listed above." In addition to this change, **we urge that any other documents and website pages with this "have not been able to obtain" or "cannot obtain" language also should be modified** (see, e.g., 2b below).
2. Frequently asked questions:
  - a. Under Question 3: "What if a voter does not have any of the acceptable forms of photo ID?," the website again implies that a voter must make an additional showing that they "cannot obtain" one of the seven "acceptable" forms of photo ID. See above our request that this language "cannot obtain" be struck.

As an additional matter, we've been reviewing the websites for each of the counties. Regarding the information about ID requirements, some of those websites link to

VoteTexas.gov, including the pages that continue to be updated, as well as some pdfs or other pages that live on that VoteTexas.gov site. See, e.g.,

<http://www.votetexas.gov/wp-content/uploads/2013/09/poster-8.5x14-aw.pdf>

<http://www.sos.state.tx.us/about/newsreleases/2014/101414.shtml>

<http://www.sos.state.tx.us/about/newsreleases/2013/062513.shtml>

We suggest that as VoteTexas.gov is updated, you also consider redirecting all old links on your site, such as those above, to the new, up-to-date information. More generally, given our review, we also suggest that as you correspond with counties, you encourage them to update their websites. Many of the county websites that we reviewed continue to have outdated information about the ID requirements for voting in person this November.

Thank you.

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**From:** Perez, Myrna <PerezM@mercury.law.nyu.edu>

**Sent:** Saturday, August 13, 2016 2:15 PM

**To:** Colmenero, Angela

**Cc:** Clark, Jennifer; Frederick, Matthew; VOTTexasID@usdoj.gov; All Texas Voter ID

**Subject:** Re: Education and Training: Input

Thanks for letting us know Angela. Have a great weekend!

Sent from my iPhone

On Aug 12, 2016, at 11:37 PM, Colmenero, Angela

<[angela.colmenero@texasattorneygeneral.gov](mailto:angela.colmenero@texasattorneygeneral.gov)> wrote:

Here is the link to the updated Registered to Vote: Need ID? Procedures for Voting on SOS's website: <http://www.votetexas.gov/register-to-vote/need-id>.

This Spanish version will be available within three business days or sooner. As we mentioned in our email today, we will agree to provide you with a draft of the Spanish version 24 hours before it is set to go live on the website.

Thanks,

Angela

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**From:** Colmenero, Angela

**Sent:** Friday, August 12, 2016 3:42 PM

**To:** Colmenero, Angela; 'Clark, Jennifer'; Frederick, Matthew; 'Perez, Myrna'

**Cc:** '[VOTTexasID@usdoj.gov](mailto:VOTTexasID@usdoj.gov)'; 'All Texas Voter ID'

**Subject:** RE: Education and Training: Input

We wanted to let you know that we still intend to update the FAQs on the website today by uploading the revised version we sent earlier this afternoon. We appreciate the comments you provided.

I am trying to confirm with SOS when the updated version will be publicly available. I will send a link to everyone where you can access the new FAQs. Also, consistent with our representation at the status conference, we will alert the Court and the plaintiffs if any substantive changes are made to this document in the future.

Thanks,  
Angela

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**From:** Colmenero, Angela  
**Sent:** Friday, August 12, 2016 1:20 PM  
**To:** Clark, Jennifer; Frederick, Matthew; Perez, Myrna  
**Cc:** [VOTTexasID@usdoj.gov](mailto:VOTTexasID@usdoj.gov); All Texas Voter ID  
**Subject:** RE: Education and Training: Input

Thank you for the email this morning.

We have had a chance to review input from the Plaintiffs on the Register to Vote: Need ID? Procedures for Voting update to SOS's website. Thank you for the suggestions, and as you can see from the version now attached to the email, we have accepted the majority of them. For ease of reference, we have attached a document that references change made and the reasons changes were not made.

We are inclined to accept the changes you have proposed to the draft poster prepared by our vendors (attached to August 10 email), but we need confirm with our vendor whether an arrow is feasible (and that will then implicate whether we use "those" or "these" in the declaration box).

As for the list of Supplemental CBOs and elected officials you provided this morning, we need additional time to get back to you on this point.

With respect to the website updates, here are our responses:

- We will agree to update the banner you have identified in your first bullet point with the Spanish language translation.
- We will not agree to add in your language to the press release previously issued by Secretary Cascos or issue a corrected press release.
- We believe that you have raised concerns regarding the posters in the polling

place, which are available at <http://www.votetexas.gov/resources/voter-id-education-materials>. This poster is required by Section 62.016 of the Texas Election Code, which specifically requires that the list of acceptable forms of ID be in 24-point font. Adding additional text (including language about reasonable impediment and address) may inhibit our ability to comply with that statute as to font size may make an already crowded poster more crowded. Further, we prefer not to add language about the address matching because it is not new. The address on your SB 14 ID doesn't have to match your registration address and it never did. The FAQs also address this issue. For these reasons, we are not inclined to accept those two suggestions. Further, we want to highlight that the content of this poster is within the statutory prerogative of SOS and they believe that the poster conveys the necessary message to the voter. Finally, as to moving up the language regarding the expiration period, that was a change SOS was already inclined to make and had prepared a new draft (see attached) incorporating that change.

- We will agree to update the Spanish language translation of the document referenced in your fourth bullet point.

We have reviewed the chart you sent yesterday and the proposals you have made. We have held off making any further changes to the website until the FAQs go live later today. Once those are live, we intend to update the other aspects of the website and will consider the comments you have provided.

Finally, we would like to provide our position on several issues Myrna raised at the end of the call.

- We will agree to send you a Spanish language translation of the FAQs that you had a chance to review yesterday. Consistent with the timetables we described in the August 5 submission with the court, we can provide this to you within 3 business days or sooner and we ask that you provide your response within 24 hours.
- We asked the Election Divisions about the county level training, but we are still a little unclear about your description on the call. We had initially represented that the Qualifying Voters Handbook would be updated by September 20, but SOS has clarified that it will available sooner. I am told that it should be finalized by August 26. The Inspector and Poll Watcher Handbooks will be finalized by August 19. There is also an Early Voting Ballot Board handbook with sections about ID we are amenable to sharing with you in the same manner. We can commit that the updates to that handbook will be ready by August 19. We will continue to stand by our representation to share with you the pages from these handbooks that will address updates to the photo ID requirement and the implementation of the reasonable impediment declaration 24 hours before they are finalized. It is possible that some counties may conduct their own training for the November election before September 20 and will use the updated handbook. The online poll worker training module will not be ready until September 19 (anticipated launch date) because we are utilizing a vendor to administer the platform.

Thanks,  
Angela

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**From:** Clark, Jennifer [<mailto:clarkj@mercury.law.nyu.edu>]  
**Sent:** Friday, August 12, 2016 9:36 AM  
**To:** Colmenero, Angela <[angela.colmenero@texasattorneygeneral.gov](mailto:angela.colmenero@texasattorneygeneral.gov)>;  
Frederick, Matthew <[matthew.frederick@texasattorneygeneral.gov](mailto:matthew.frederick@texasattorneygeneral.gov)>; Perez,  
Myrna <[PerezM@mercury.law.nyu.edu](mailto:PerezM@mercury.law.nyu.edu)>  
**Cc:** [VOTTexasID@usdoj.gov](mailto:VOTTexasID@usdoj.gov); All Texas Voter ID <[alltexasvoterid@dechert.com](mailto:alltexasvoterid@dechert.com)>  
**Subject:** Education and Training: Input

Good morning, Angela:

Private plaintiffs write in advance of this morning's conversation to provide 5 pieces of input.

1. Attached to this email please find suggested edits to the poster and the website updates you shared with us yesterday, and which you agreed to review should we provide them to you by noon today.
2. Also attached to this email please find a non-exhaustive list of CBOs to supplement the document you kindly shared with us yesterday. We cross-checked this list with yours to avoid duplications. Please confirm that these entities will be added to your distribution and outreach list.
3. Also attached to this email please find a non-exhaustive list of elected officials/bodies we would like to receive the elected official toolkits. Please confirm that these elected officials/bodies will be added to your distribution and outreach list.
4. Your August 11 email indicated that there are particular pages on [VoteTexas.gov](http://VoteTexas.gov) and on the SOS's main website that will be updated by COB Monday. Some of those pages overlap with our feedback reflected in the attached chart. We urge you to consider our feedback as you update these sites. Note that we also have identified at least one page on the DPS site that requires updating.
5. We also have reviewed the updates to [VoteTexas.gov](http://VoteTexas.gov) that you identified and offer the following feedback:
  - The banner language on this page, [http://www.sos.state.tx.us/sos\\_espanol.shtml](http://www.sos.state.tx.us/sos_espanol.shtml), which provides a statement in Spanish translation, should also be translated into Spanish: "Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting."
  - We reiterate our issues with the "Press Release: [Voters in November](#)

election have additional ID options announces Secretary Cascos,"

including that it fails to inform voters that (1) the reason given for being unable to obtain SB 14 ID cannot be questioned and (2) the address on the supporting documentation need not match the current registration address. The statement also suggests that the declaration is only available to those "not able to obtain ID" rather than those that have a "reasonable impediment" or difficulty obtaining ID and does not include other examples of qualifying ID such as out-of-state ID.

- Though you have updated the (now called) "Voter ID Education Resources" section of [VoteTexas.gov](http://www.votetexas.gov) in English and Spanish (<http://www.votetexas.gov/resources/voter-id-education-materials>), the location of the language in this document suggests that the alternative documents, used in support of a RI declaration, also have a four year expiration point. However, the expiration period only applies to SB 14 IDs. We suggest that this language be moved up in the document to the section just below where SB 14 IDs are identified. The document should also note that the address on the supporting documentation need not match the registration address. And the statement also suggests that the declaration is only available to those "not able to obtain ID" rather than those that have a "reasonable impediment" or difficulty obtaining ID
- Though you updated the document at this link, <http://www.votetexas.gov/es/recursos/folletos-educativos-sobre-identificacion-para-votar>, we urge you incorporate the same suggestions as above, though in Spanish translation.

Thank you,

Jennifer L. Clark

Counsel, Democracy Program

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